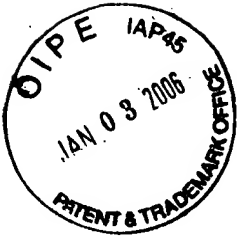


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PATENT  
ATTORNEY DOCKET NO.: 049390-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	Confirmation No.: 1174
Naoto KINJO	)	
	)	Group Art Unit: 2612
Application No. 09/805,582	)	
	)	Examiner: C. Yoder III
Filed: March 14, 2001	)	
	)	<b>Mail Stop PETITION</b>
For: DIGITAL CAMERA AND METHOD	)	
FOR COMPOSITING IMAGES	)	
(As Previously Presented)	)	

**Mail Stop PETITION**  
The Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**PETITION UNDER 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A)**  
**TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**  
**AND TO MAIL NEW OFFICE ACTION**

This is a petition under 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A) that the supervisory authority of the Commissioner be invoked to withdraw any holding of abandonment and to mail a new Office Action in the above-referenced application.

On December 9 and 12, 2005, Applicant's representative received courtesy telephone calls from Examiner Chriss Yoder III informing her that an Office Action in the above-referenced application was mailed on June 3, 2005, and that no response was received by the

U.S. Patent and Trademark Office (USPTO). During the second telephone call, Applicant's representative indicated to Examiner Chriss Yoder III that no Office communication was received on or around June 3, 2005 in the above-referenced application. Subsequent to the courtesy telephone call, the Examiner Chriss Yoder III contacted the Applicant's representative again and left a voice message notifying that a Notice of Abandonment would be issued in the present application for Applicant's failure to timely file a proper reply to the Office letter mailed on June 3, 2005.

The Patent Application Information Retrieval (PAIR) on the U.S. Patent and Trademark Office Website shows that a Final Office Action was mailed on June 3, 2005. However, Applicant respectfully submits that the Office Action shown on PAIR was never received by Applicant's representatives.

The procedures of Morgan, Lewis & Bockius LLP require that all received mail from the U.S. Patent and Trademark Office addressed to Morgan Lewis & Bockius LLP, the Patent Support Unit of Morgan, Lewis & Bockius LLP, or any patent attorney of Morgan Lewis & Bockius LLP be delivered to the Patent Support Unit where the mail will be opened and date stamped by the Records Specialists. The procedures further require that the mail will then be docketed by the Docketing Specialists. Review of the application file and the docket records of Applicant's representatives show that no Office Action having a mailing date of June 3, 2005, which is a Friday, was ever received and that no Office Action having the mailing dated of June 3, 2005 was ever docketed.

In accordance with MPEP 711.03(c), a copy of the docket record where the non-received Office communication would have been entered, had it been received and docketed, is being filed concurrently herewith. According to the docket record, the last Office communication that was received in the above-referenced application is a Non-Final Office Action received June 21, 2005, a response to which was filed on December 17, 2005 concurrently with an Amendment and petition and fee for a three-month extension of time as indicated by the second and third listed items on the third page of the docket record. Had any Office communication been received after the filing of the Amendment filed December 17, 2005, the docket would have been updated to include an entry following the "Response Filed Status Check" entry, which is the second and third listed item on the third page on the docket record.

Thus, Applicant respectfully submits that the Office Action mailed June 3, 2005 was not received. If the Office Action was actually mailed by the U.S. Patent and Trademark Office on the date indicated on PAIR, it may have been inadvertently destroyed by the U.S. Postal Service.

**CONCLUSIONS**

Applicant respectfully requests that any holding of abandonment be withdrawn based on failure to receive an Office Action, and that a new Office Action be mailed.

Applicant is filing this petition after receiving a Notice of Abandonment.

Applicant respectfully submits that no fees are due with the filing of this petition.

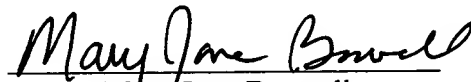
However, if there are any other fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 3, 2006

By:



Mary Jane Boswell

Reg. No. 33,652

Customer No. 09629

**MORGAN, LEWIS & BOCKIUS LLP**

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Telephone: (202) 739-3000

Facsimile: (202) 739-3001

# Applications

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Case Number: 49390-5008

SubCase:

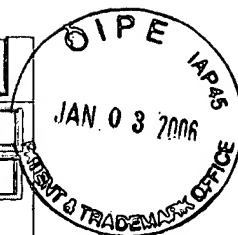
Client: Ion Patent

Country: US

United States of America

CtrySub:

Location: WA8



Show All Actions







Show Only Outstanding Actions

93 Action(s) Due	Due Date	Indicator	Action Taken
Priority Application Due - 1mo	14-Feb-2001	Reminder	13-Mar-2001 ..
Priority Application Due - 2wk	01-Mar-2001	Reminder	13-Mar-2001 ..
Application Due Tomorrow	13-Mar-2001	Due Date	13-Mar-2001 ..
File Priority Application	14-Mar-2001	Final	14-Mar-2001 ..
Missing Parts Received	27-Apr-2001	Reminder	27-Apr-2001 ..
OFR Recd - 5 days ago	02-May-2001	Reminder	02-May-2001 ..
OFR-Report to Client Due	18-May-2001	Due Date	18-May-2001 ..
Response Due-MP - 1 month	20-May-2001	Reminder	20-May-2001 ..
Response Due-MP - 2 weeks	03-Jun-2001	Reminder	03-Jun-2001 ..
Response Due-MP - 1 week	13-Jun-2001	Reminder	13-Jun-2001 ..
Information Disclosure Stmt	14-Jun-2001	Due Date	14-Jun-2001 ..
Application Filed-FR Rec?	14-Jun-2001	Status	26-Apr-2001 ..
Missing Parts Due - Tentative	14-Jun-2001	Status	26-Apr-2001 ..
OFR-Report to Client Due	18-Jun-2001	Due Date	18-Jun-2001 ..
Response Due - MP	20-Jun-2001	Due Date	20-Jun-2001 ..
1st EOT - 2 weeks	04-Jul-2001	Reminder	20-Jul-2001 ..
1st EOT Due - 1 week	11-Jul-2001	Reminder	20-Jul-2001 ..
File IDS	14-Jul-2001	Due Date	13-Jul-2001 ..
OFR-Report to Client Due	18-Jul-2001	Due Date	18-Jul-2001 ..
MP 1st EOT Due	20-Jul-2001	Due Date	20-Jul-2001 ..
2nd EOT - 2 weeks	03-Aug-2001	Reminder	17-Aug-2001 ..
2nd EOT Due - 1 week	10-Aug-2001	Reminder	17-Aug-2001 ..
File IDS	14-Aug-2001	Due Date	14-Aug-2001 ..
US-Assignment Filed	17-Aug-2001	Due Date	17-Aug-2001 ..
US-Claim For Priority Filed	17-Aug-2001	Due Date	17-Aug-2001 ..
OFR-Report to Client Due	18-Aug-2001	Due Date	17-Aug-2001 ..
MP 2nd EOT Due	20-Aug-2001	Due Date	17-Aug-2001 ..
3rd EOT - 2 weeks	03-Sep-2001	Reminder	17-Aug-2001 ..
3rd EOT Due - 1 week	10-Sep-2001	Reminder	17-Aug-2001 ..
File IDS	14-Sep-2001	Due Date	17-Aug-2001 ..
OFR-Report to Client Due	18-Sep-2001	Due Date	18-Sep-2001 ..
MP 3rd EOT Due	20-Sep-2001	Due Date	17-Aug-2001 ..
4th EOT - 2 weeks	04-Oct-2001	Reminder	17-Aug-2001 ..
OFR Recd - 5 days ago	06-Oct-2001	Reminder	22-Oct-2001 ..
4th EOT Due - 1 week	11-Oct-2001	Reminder	17-Aug-2001 ..
OFR-Report to Client Due	18-Oct-2001	Due Date	03-Oct-2001 ..
MP 4th EOT Due	20-Oct-2001	Due Date	17-Aug-2001 ..
OFR-Report to Client Due	22-Oct-2001	Due Date	22-Oct-2001 ..
5th EOT Due - 2 weeks	03-Nov-2001	Reminder	17-Aug-2001 ..

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RA Received 5 days ago	06-Nov-2001	Reminder	06-Nov-2001	..
5th EOT Due - 1 week	10-Nov-2001	Reminder	17-Aug-2001	..
MP - 5th EOT Due - FINAL	20-Nov-2001	Final	17-Aug-2001	..
RA-Report to Client Due	22-Nov-2001	Due Date	22-Nov-2001	..
OFR-Report to Client Due	22-Nov-2001	Due Date	25-Oct-2001	..
MP Filed - Status Check	17-Dec-2001	Status	17-Aug-2001	..
Notice of Publication Rcvd	18-Jan-2002	Reminder	18-Jan-2002	..
NO FOLLOWUP	17-Feb-2002	Status	17-Aug-2001	..
PD filed-NO FOLLOWUP	17-Feb-2002	Status	17-Aug-2001	..
Recordation Due	17-Feb-2002	Status	01-Nov-2001	..
RA-Report to Client Due	22-Feb-2002	Due Date	28-Nov-2001	..
12 month Status Check	14-Mar-2002	Status	13-Mar-2002	..
18 month Status Check	14-Sep-2002	Status	14-Sep-2002	..
Status Inquiry Needed	14-Oct-2002	Status	14-Oct-2002	..
Status Inquiry Needed	14-Nov-2002	Status	04-Nov-2002	..
Status Inquiry Needed	14-Dec-2002	Status	09-Dec-2002	..
PTO Response Due - 2 weeks	23-Jan-2003	Reminder	30-Dec-2002	..
PTO Response Due - 1 week	30-Jan-2003	Reminder	30-Dec-2002	..
Resp to Status Inquiry Due	09-Feb-2003	Status	30-Dec-2002	..
Request for Examination	14-Mar-2004	Due Date	14-Mar-2001	..
Status - Waiting 1st OA	18-Mar-2004	Status	18-Mar-2004	..
Status - Waiting 1st OA	18-Apr-2004	Status	16-Apr-2004	..
Status - Waiting 1st OA	18-May-2004	Status	18-May-2004	..
NCB OA-Report to Client	24-Jun-2004	Due Date	21-Jun-2004	..
OA Recd-Report to Client	27-Jun-2004	Due Date	25-Jun-2004	..
NCB - Comments Due-1 week	01-Jul-2004	Reminder	21-Jun-2004	..
OA Recd-Report to Client	04-Jul-2004	Due Date	01-Jul-2004	..
NCB - Comments Due	08-Jul-2004	Due Date	21-Jun-2004	..
OA Recd-Report to Client	11-Jul-2004	Due Date	09-Jul-2004	..
Comments Due To Client	17-Jul-2004	Due Date	15-Jul-2004	..
OA Recd-Report to Client	18-Jul-2004	Due Date	15-Jul-2004	..
Status - Waiting 1st OA	18-Jul-2004	Status	21-Jun-2004	..
OA Recd-Report to Client	28-Jul-2004	Due Date	28-Jul-2004	..
Comments PAST DUE!!!	08-Aug-2004	Due Date	28-Jul-2004	..
OA Recd-Report to Client	04-Aug-2004	Due Date	28-Jul-2004	..
1 Month to Due Date	17-Aug-2004	Reminder	17-Nov-2004	..
3 Month Due Date - 2 weeks	01-Sep-2004	Reminder	17-Nov-2004	..
Response Due - 1 week	10-Sep-2004	Reminder	17-Nov-2004	..
3 Month Due Date	17-Sep-2004	Due Date	17-Sep-2004	..
1st EOT Due - 2 weeks	02-Oct-2004	Reminder	17-Nov-2004	..
1st EOT Due - 1 week	10-Oct-2004	Reminder	17-Nov-2004	..
1st EOT Due	17-Oct-2004	Due Date	18-Oct-2004	..
2nd EOT Due - 2 weeks	01-Nov-2004	Reminder	17-Nov-2004	..
2nd EOT Due - 1 week	10-Nov-2004	Reminder	17-Nov-2004	..
2nd EOT Due	17-Nov-2004	Due Date	17-Nov-2004	..
3rd EOT - 2 Wks to Final Date	02-Dec-2004	Reminder	02-Dec-2004	..
3rd EOT Due - 1 week	10-Dec-2004	Reminder	10-Dec-2004	..
FINAL Resp Due Tomorrow	16-Dec-2004	Due Date	16-Dec-2004	..

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3rd EOT Due - 6 Month Final	17-Dec-2004	Final	17-Dec-2004	
Response Filed - Status Check	17-May-2005	Status	17-May-2005	
Response Filed - Status Check	17-Sep-2005	Status	18-Sep-2005	
File Petition to Revive	30-Dec-2005	Reminder		
File Petition to Revive	15-Jan-2006	Due Date		
Response Filed - Status Check	17-Jan-2006	Status	21-Dec-2005	

Go To: Invention Cost Tracking Letter

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